

Co., Colorado Springs, Colo., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on or about May 27 and June 30, 1937, from the State of Colorado into the States of Kansas and Louisiana of quantities of Aimotone which was misbranded. The article was labeled in part: "Aimotone \* \* \* Prepared by Aimotone Chemical Co. Colorado Springs, Colorado."

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs, including a laxative drug and an alkaloid-bearing drug, alcohol, and water.

The article was alleged to be misbranded in that the following statements borne on the label, regarding its curative and therapeutic effects, "A Splendid Cleanser and Blood Purifier" and "Directions \* \* \* in exceptional cases of sluggish liver, the dose may be increased or decreased," were false and fraudulent since they represented that it was capable of so affecting the blood as to eliminate from it whatever caused it to be in other than a condition of purity, and to cause a sluggish liver to be activated and to function normally.

On April 11, 1938, pleas of guilty were entered by the defendant, and he was sentenced to pay fines of \$150 and \$5.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28988. Misbranding of Liberty Blood Tonic, National Kidney Preparation, National Pain Relief, Liberty Castoria, Liberty Rheumatic Elixir, Liberty Croup and Pneumonia Salve, National Skin Salve and Cherokee Iron Tonic. U. S. v. Francis M. Millsaps (National Medicine Co.). Plea of guilty. Fine of \$200 on count 1, and nominal fines on remaining counts. (F. & D. No. 39836. Sample Nos. 21562-C to 21566-C, incl., 21568-C, 21569-C, 35315-C.)**

The labeling of these products bore false and fraudulent curative and therapeutic claims and that of certain products bore false and misleading representations regarding their composition. The labeling of the Rheumatic Elixir bore no statement of the quantity of alcohol contained therein.

On December 2, 1937, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Francis M. Millsaps, trading as National Medicine Co., at Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 18 and June 9, 1937, from the State of Tennessee into the States of Texas and Arkansas, of quantities of the above-named proprietary remedies that were misbranded. The articles were labeled in part: "Manufactured by National Medicine Co. Distributed by Liberty Medicine Co. [or similar statements]."

Analyses of samples of the articles showed that the Liberty Blood Tonic consisted essentially of extracts of plant drugs, including a laxative and an alkaloid-bearing drug, compounds of iron, sodium benzoate (1.5 grams per 100 cubic centimeters), alcohol (7.2 percent by volume), sugar, and water; the National Kidney Preparation consisted essentially of extracts of plant drugs, potassium acetate (2.6 grams per 100 cubic centimeters), sodium benzoate (1.4 grams per 100 cubic centimeters), alcohol (8.13 percent by volume), sugar, and water; the National Pain Relief consisted essentially of extracts of plant drugs, including capsicum and ginger, a small proportion of an ammonium compound, camphor, chloroform (not more than 0.85 minim per fluid ounce), alcohol (4.2 percent by volume), glycerin, and water; the Liberty Castoria consisted essentially of extracts of plant drugs, including a laxative drug, Rochelle salt (1.0 gram per 100 cubic centimeters), sodium bicarbonate (1.5 grams per 100 cubic centimeters), sugar, alcohol (0.93 percent by volume), and water flavored with oil of wintergreen and oil of anise; the Liberty Rheumatic Elixir consisted essentially of sodium salicylate (6.4 grams per 100 cubic centimeters), a small proportion of sodium benzoate, alcohol (3.2 percent by volume), sugar, and water; the Liberty Croup and Pneumonia Salve consisted essentially of small proportions of volatile oils, including oil of pine, eucalyptol, and menthol, incorporated in a petrolatum base; the National Skin Salve consisted essentially of small proportions of volatile oils, betanaphthol, green soap, and a balsam incorporated in a petrolatum base; and the Cherokee Iron Tonic consisted essentially of small proportions of compounds of iron, quinine and phosphoric acid, extracts of plant drugs, including sanguinaria, glycerin, alcohol, and water.

The articles were alleged to be misbranded in that statements in the labeling regarding their curative and therapeutic effectiveness falsely and fraudulently represented that they were capable: (Blood Tonic) Of producing a tonic effect on the blood, of strengthening and rehabilitating the human physical system when

in a weakened and run-down condition and of aiding the organs of the human body in eliminating toxic poisons; (Kidney Preparation) of use as a medicament for diseases and disorders of the kidneys and bladder, of acting remedially when administered in the treatment of backache, bearing-down pains, and congestion of the kidneys, gravel, lumbago and urinal disorders and diseases generally, of producing a healing effect when used in the treatment of tonsillitis and rheumatism, of serving the purposes of a medicine with regard to weak back, bearing-down pains of the hips and nervousness, of acting as a sedative tonic to the pelvic organs, of removing the cause of scant flow of the urine and too frequent action of the kidneys and bladder, of producing and maintaining a better condition of health and, possibly, of averting and preventing troublesome diseases generally; (Pain Relief) of affording relief from pain, of curing dysentery, diarrhea, flux, summer complaint, pains in stomach and bowels, fluttering of heart, shortness of breath, etc., and of causing better results in the treatment of the aforesaid several conditions when used in conjunction with Liberty Liver Powder; (Liberty Castoria) of use as a medicament for dizziness, disorders of the stomach and bowels, feverishness, worms, foul breath, etc., due to costiveness, of producing a beneficial effect when used in the treatment of diarrhea, of alleviation of a condition that occasions loss of sleep and wakefulness, of averting or avoiding many forms of diseases, and of maintaining the health of delicate infants because of having been manufactured especially with regard to them; (Rheumatic Elixir) of producing a tonic effect and of alleviating pain when administered in the treatment of rheumatic conditions, of allaying neuralgia of rheumatic origin, of mitigating pains in joints, of affecting tonsillitis, influenza, etc., beneficially to the person afflicted with those diseases, and of causing better results in the treatment of the aforesaid several conditions when taken in conjunction with National Kidney Preparation; (Croup and Pneumonia Salve) of healing and alleviating croup, pneumonia, coughs, sore throat, etc., catarrh, bronchitis, whooping cough, asthma, piles, etc.; (Skin Salve) of use as a medicament for eczema, ringworm, tetter, and parasitic skin affections; (Iron Tonic) of producing a tonic effect on the blood, of use as a medicament for blood disorders generally and of so acting on the liver and stomach as to cause those organs to discharge their functions with normal vigor.

The Blood Tonic, Kidney Preparation, Pain Relief, Castoria, and Rheumatic Elixir were alleged to be misbranded further in that the statement borne on the labels, "From Roots, Herbs, Barks and Berries," was false and misleading since it represented that the active and essential ingredients and substances contained in the articles were wholly of vegetable origin and derived exclusively from roots, herbs, barks, and berries; whereas the articles also contained ingredients and substances of mineral origin and nature.

The Blood Tonic, Kidney Preparation, and Pain Relief were alleged to be misbranded further in that their labels bore the statements, respectively, "Alcohol less than 10%," "Alcohol not less than 10%," and "Alcohol not over 7% by volume," which constituted representations that the articles contained approximately the stated amounts of alcohol, and which were false and misleading since the blood tonic contained not more than 7.5 percent, the kidney preparation not more than 8.2 percent, and the pain relief not more than 4.75 percent, of alcohol. The Rheumatic Elixir was alleged to be misbranded further in that it contained alcohol and the package in which it was enclosed failed to bear a statement on the label of the quantity and proportion of alcohol contained therein. The Pain Relief was alleged to be misbranded further in that the label affixed to the container bore the statement, "Chloroform 4 minims in each fluid ounce," which was false and misleading since the article contained not more than 1 minim of chloroform in each fluid ounce.

On March 10, 1938, a plea of guilty was entered by the defendant and he was sentenced to pay a fine of \$200 on the first count and a nominal fine on the remaining counts because of the fine imposed on count 1.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28989. Adulteration and misbranding of gauze bandages. U. S. v. 27 Large and 116 Small Packages of Bandages. Default decree of condemnation and destruction. (F. & D. No. 40280. Sample No. 46727-C.)**

This article was contaminated with viable micro-organisms.

On September 13, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 packages of bandages at Buffalo, N. Y., alleging that the article had been shipped in interstate